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STATE FOR OES/ETC H.LEE AND EB/TPP/ABT R.SINGH  
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SUBJECT: CARTAGENA PROTOCOL ON BIOSAFETY - ITALY

REFS: (A) STATE 259661, (B) ROME 4563, (C) ROME 4809

11. (U) SENSITIVE BUT UNCLASSIFIED - NOT FOR INTERNET DISTRIBUTION.

12. (U) SUMMARY: Per ref A, on December 10, SCI Specialist discussed Italy's views on biosafety with Marco Vetrano, Director of the Biosafety Division of the Italian Ministry of Environment. Vetrano stated that Italy ratified the Cartagena Protocol on Biosafety on February 4, 2004 with Law 27/2004, and added that one of his consultants presented the Italian Biosafety Clearing House to the EU Commission at that time. According to Vetrano, the only new Italian regulation that could relate to biosafety is the draft decree law on the coexistence of biotech and non-biotech crops. See paragraph 3 and ref B for details on this important piece of legislation, which is still under discussion in the Italian Parliament. The recent annulment of a four-year old Italian law that banned commercialization of four biotech corn varieties is discussed in paragraphs 4-7 and in ref C. END SUMMARY.

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DRAFT COEXISTENCE DECREE LAW: COULD HAVE BEEN WORSE  
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13. (SBU) On November 11, the Italian Cabinet passed a decree law on the coexistence of biotech and non-biotech crops. The decree law came into effect November 29 upon its publication in the GOI's official gazette, but must be voted into law by the Italian Parliament within sixty days, or the decree law will lapse. Overall, the decree is inimical to the planting of biotech seeds in Italy because it imposes a moratorium on the sowing of GM seed in Italy through the end of 2005, by which time each of Italy's 20 regions must issue its own coexistence plan. During this moratorium phase, Italian farmers are still subject to current regulations, which impose the penalty of imprisonment for farmers who sow GM seed. Starting in 2006, according to the decree, Italian farmers would be able to cultivate GM seeds, as long as the farmers adhere to the regional coexistence plans. The new decree also calls for the formation of a committee of federal and regional experts, representing a wide range of views, to define technical guidelines on coexistence. We understand, however, that the committee will be headed by a known anti-GMO official from the Environment Ministry. Although the information above points to negative aspects of the decree law, Post's agricultural section reports that some major Italian biotech seed producers believe the current decree law is an improvement over previous drafts that had been considered. One improvement is that, in contrast to previous versions, the decree law stipulates a date by which the Italian regions must have a coexistence plan in place. We emphasize that following parliamentary debate, the final law could be slightly different from the current one, so the Department should view this information as preliminary and not draw firm conclusions. We will keep the Department and other addressees informed of the outcome of the legislative debate.

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RESTRICTIVE "AMATO" DECREE ANNULLED  
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14. (SBU) Ref C reports the annulment of a four-year old Italian law called the "Amato Decree", affecting GMOs rather than living modified organisms. We believe that this recent court action represents a positive step toward a more science-based Italian biotechnology policy. Under Italian law, both sides in the dispute may still appeal the annulment, but Post has no reason to believe that either side will take this step.

15. (U) By way of background, on August 4, 2000, Giuliano Amato, the Italian Prime Minister at the time, issued a decree (later called the "Amato Decree") in response to a campaign launched in the fall of 1999 by some environmental groups against seven GM products (four corn and three

rapeseed varieties). The Amato decree was published in the Italian Official Gazette on August 8, 2000, and became effective on August 23. It "suspended" the commercialization and use of four GM corn varieties already authorized by the EU and marketed for both food and feed uses: BT 11 (Novartis), MON 810 (Monsanto), MON 809 (Monsanto) and T 25

(Aventis), while the three rapeseed varieties were dropped from the decree.

16. (U) On November 29, 2004, the Regional Administrative Tribunal (TAR) of Latium annulled the Amato Decree. The ruling resulted from a lawsuit submitted in November 2000 by three leading seed companies and a biotech association. The ruling concurred with the European Court of Justice's opinion that such a ban was justifiable only if a Member State could demonstrate scientific evidence of risk to humans. Four years under the Amato Decree has affected U.S. exports to Italy; in particular, the decree law obstructed Italian imports of U.S. corn products, such as corn gluten feed and corn oil, as well as corn, even during a year of drought here in Italy.

17. (SBU) COMMENT: It remains to be seen whether U.S. corn and corn products can reestablish their presence in the Italian market. END COMMENT.  
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